

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE: NACOLE HOLLIDAY,	{	CHAPTER 13
	{	
	{	
DEBTOR(S)	{	CASE NO. A18-62855-SMS
	{	
	{	JUDGE SIGLER

OBJECTION TO CONFIRMATION

COMES NOW MARY IDA TOWNSON, TRUSTEE herein, and objects to Confirmation of the plan for the following reasons:

1. The Debtor(s)' payments under the proposed plan are not current.

2. The Plan as proposed will extend beyond sixty (60) months, contrary to 11 U.S.C. Section 1322(d). (71 months).

3. The proposed composition plan provides for the funding of vacant rental property; a secured debt that may be excessive and unnecessary for the support of Debtor or Debtor(s) dependents, thereby indicating a lack of good faith, in violation of 11 U.S.C. Section 1325(a)(3).

4. The funding of post-petition mortgage payments has not been maintained in the above-styled Chapter 13 case; thereby, rendering the present budget and proposed Plan infeasible, 11 U.S.C. Section 1325(a)(6).

5. The Debtor(s) has failed to provide the Trustee with a copy of the federal tax return or transcript of such return for the most recent tax year ending immediately before the commencement of the instant case and for which a federal income tax return was filed, in violation of 11 U.S.C. Section 521(e)(2)(A)(i).

6. The Debtor(s) is not eligible for relief under Title 11 because she did not obtain a briefing from an approved non-profit budget and credit counseling agency within 180 days preceding the date of filing nor did she file a certificate of exigent circumstances, as required by 11 U.S.C. Section 109(h).

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7. The Chapter 13 petition and schedules fail to disclose a retirement account, in violation of 11 U.S.C. Section 521.

8. The Debtor(s)' Schedule I fails to accurately reflect 401(k) loans; thereby preventing the Chapter 13 Trustee from determining the feasibility of the proposed plan, in violation of 11 U.S.C. Section 11 U.S.C. Section 1325 (a)(6).

WHEREFORE, the Trustee moves the Court to inquire into the above objections, deny Confirmation of this Debtor's (s') Plan and to dismiss the case; or, in the alternative, convert the case to one under Chapter 7.

_____/s/_____
Albert C. Guthrie, Attorney
for Chapter 13 Trustee
GA Bar No. 142399

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A18-62855-SMS

CERTIFICATE OF SERVICE

This is to certify that I have this day served

DEBTOR(S):

NACOLE HOLLIDAY
4569 WOODGATE HILLS TRAIL
SNELLVILLE, GA 30039

ATTORNEY FOR DEBTOR(S):

SLIPAKOFF & SLOMKA, PC
OVERLOOK III - SUITE 1700
2859 PACES FERRY RD, SE
ATLANTA, GA 30339

in the foregoing matter with a copy of this pleading by
depositing in the United States Mail a copy of same in a
properly addressed envelope with adequate postage thereon.

This 19th day of September 2018

/s/
Albert C. Guthrie, Attorney
for Chapter 13 Trustee
GA Bar No. 142399

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